IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4139 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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C. M. CHAUHAN & 1 - Petitioner(s)

Versus

COLLECTOR OF PANCHMAHAL & 2 - Respondent(s)

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Appearance :
MR SUNIL K SHAH for Petitioner(s) : 1,NOTICE UNSERVED for Petitioner(s) : 2,
Mr.L.B.DABHI, Ld.AGP for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 25/01/2006

ORAL JUDGMENT

1. The petitioners have filed this petition under

Article 226 of the Constitution of India praying for quashing and setting aside the impugned order dated 20.08.1987 and for restraining the respondents from reverting the petitioners from the posts of Circle Inspectors to Clerks. The original petition was filed by one Shri A.A.Mitha and Shri C.M.Chauhan. Thereafter, the name of Shri A.A.MItha was deleted on 24.08.1987 and name of Shri K.R.Trivedi was inserted as petitioner no.2.

2. Initially notice was issued on 24.08.1987 and interim relief in terms of Para:11(c) was granted whereby the respondents were restrained from operating, implementing, executing or in any manner acting upon the impugned order dated 20.08.1987 insofar as the petitioners are concerned and they were restrained from reverting the petitioners and further restrained from interfering with the discharge of petitioner's duties as Circle Inspectors. The petition thereafter was admitted on 13.12.1988 and interim relief granted earlier was ordered to be continued.

3. During the pendency of the petition, affidavit in reply is filed on behalf of respondents on 1st December, 2005, wherein it is stated that petitioner no.1 C.M.Chauhan had written a letter on 25.11.2005 to Collector, Panchmahal, Godhra and stated that at present he was working as Deputy Mamlatdar. He had passed examination in January, 1990. He does not want to proceed further with this matter. The copy of the said letter dated 25.11.2005 is annexed alongwith the affidavit in reply filed on behalf of respondent no.1 as ANNEXURE R-I. In view of the said letter, the grievance raised by the petitioner no.1 viz. C.M.Chauhan does not survive. So far as petitioner no.2 Shri K.R.Trivedi is concerned, it is stated by Mr.L.B.Dabhi, Ld.Asst. Government Pleader on the basis of fax-message received by him today from Collector, Panchmahal that Shri K.R.Trivedi has retired as Deputy Mamlatdar on 31st January, 1997 and hence grievance raised by him also does not survive.

4. In view of the aforesaid factual position, since both the petitioners were continued as Deputy Mamlatdars and no reversion was made, there is no question of adjudicating the issues on merits. The petitioner no.1 has already withdrawn his claim and the petitioner no.2 is already retired as Deputy Mamlatdar. The petition, therefore, does not survive and accordingly is disposed of. Rule is discharged with no order as to costs.

(K.A.PUJ, J.)

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